

REMARKS

In the outstanding Final Office Action, claims 1-6, 8 and 10-22 were rejected under 35 U.S.C. §102(a) over Grand Theft Auto III as described by Wikipedia; Monsters At Play: Grand Theft Auto III Review; and GameSpot: Grand Theft Auto III. Claims 7 and 9 were rejected under 35 U.S.C. §102(a) or alternatively under 35 U.S.C. §103(a) over Grand Theft Auto III.

Upon entry of the present amendment, claims 1-22 will each have been cancelled without prejudice to or disclaimer of the subject matter recited therein. Claims 23-42 will have been added for consideration. Each of the outstanding rejections has been rendered moot by the cancellation of claims 1-22. However, Applicants traverse each of the outstanding rejections inasmuch as each of new claims 23-42 recites a combination of features similar to the combinations previously recited in claims 1-20.

The cancellation of claims 1-22 should not be considered an indication of Applicants' acquiescence as to the propriety of any outstanding rejection. Rather, claims 1-22 have been cancelled and claims 23-42 have been added to advance prosecution and obtain early allowance of claims in the present application. In this regard, Grand Theft Auto III does not disclose or suggest the combinations of features previously recited in independent claims 1, 12 and 15-20. Further, the Final Office Action does not provide a proper explanation as to how Grand Theft Auto III can be interpreted as disclosing combinations recited in claims 1, 12 or 15-20. Nevertheless, Applicants have presented new claims 23-42, each of which further defines the invention to which the pending claims are directed. Combinations recited in claims 23-42 are not disclosed or suggested by Grand Theft Auto III.

New claims 23-42 relate to moving a player character between footholds on a world map in accordance with an instruction to move the player character between footholds. Though there

are games which include moving a player character between footholds on a world map in accordance with a player's instructions, features such as these are not disclosed in Grand Theft Auto III.

New claims 23-42 also relate to updating a time unit of a virtual concept in a video game when the player character is moved between footholds. A rule is stored which is to be set in accordance with the updated time unit and independent of the foothold to which the player character is moved. If movement between a foothold is considered similar to a "mission" in Grand Theft Auto III, according to new claims 23-42, a time unit is updated when the player character is moved between footholds (missions), and the rule is set in accordance with the updated time unit. However, the rule is applied when an instruction is input to advance the video game. Therefore, the relationship of the rules as set forth above is distinguishable even conceptually from any rule applied in Grand Theft Auto III.

Accordingly, even if a risk of loss (danger/difficulty) in Grand Theft Auto III is properly interpreted as a predetermined penalty, and even if Grand Theft Auto III were properly interpreted as setting and applying rules applicable in accordance with a degree of detected game progress such that the risk of loss (danger/difficulty) would be imposed, and even if Grand Theft Auto III were properly interpreted as setting and applying such rules based on an instruction of a player to advance the video game, Grand Theft Auto III does not disclose or suggest the combination recited in the claims now pending, at least for each of the reasons set forth above.

That is, while Applicants maintain that the combinations recited in each of the previous claims is not disclosed or suggested by Grand Theft Auto III as applied in the Final Office Action, each of new claims 23-42 recites additional features which further distinguish the invention to which the pending claims are directed from the features disclosed with respect to

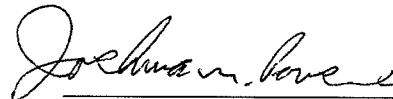
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Grand Theft Auto III. Accordingly, Applicants respectfully request reconsideration and withdrawal of each of the outstanding rejections, and an indication of the allowability of each of the claims now pending.

The amendments to the claims which have been made in this amendment, which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should the Examiner have any questions, please contact the undersigned at the telephone number provided below.

Respectfully submitted,
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July 5, 2007
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